

REMARKS

In the Office Action dated September 16, 2002, the Examiner (1) objected to claims 4-19 and 31; (2) rejected claims 20 and 26 under 35 USC §112, 2nd paragraph; (3) rejected claims 1-3, 20-22, and 27-30 under 35 USC §102(b) as being anticipated by *Connolly et al.*; and (4) rejected claims 23-26 under 35 USC §103(a) as being unpatentable over *Lechner* in view of *Burkett et al.* Applicants respectfully traverse these rejections for the following reasons.

Status of the Claims

Claims 4-19 and 31 have been objected to and claims 1-3 and 20-30 have been rejected.

Claims 1-31 have been cancelled and new claims 32-93 have been added.

New claims 32-93 are pending.

Claim Objections

Claims 4-19 and 31 stand objected to under 37 CFR 1.75(c) as being in improper form because they are multiple dependent claims, which depend from other multiple dependent claims. Because Applicant has cancelled claims 1-31, and because the new claims are not improperly dependent, this objection is moot.

Claims Rejections

Claims 20 and 26 stand rejected under §112, 2nd paragraph for being indefinite. Claims 1-3, 20-22 and 27-30 stand rejected under 35 USC §102(e) as being anticipated by *Connolly et al.* Claims 23-26 stand rejected under 35 USC §103(a) as being unpatentable over *Lechner* in view of *Burkett et al.*

The new claims differ in scope from the originally submitted claims and are, for the reasons set out below, patentable over the art of record. Applicant asserts that the new claims are allowable for the reasons set out below.

New Claims

New claims 32-93 have been added to include subject matter from now-cancelled claims and/or to better ensure coverage of specific embodiments to which Applicant is entitled. Specifically:

Claim 32

New claim 32 generally corresponds to original claim 1. Claim 32 includes the additional feature of "one or more macerating means integral with or mounted to said mounting plate for rotation therewith and adapted to macerate refuse fed into said chamber." The macerating means is additional to the chipper blades and in the preferred embodiment is located adjacent to a shroud around the drive shaft (see claims 36 and 38). The macerating means performs the function of "macerating" or "shredding" fibrous materials such as pond fronds as they tend to move towards the drive shaft when not adequately shredded by the chipper blades thereby preventing them wrapping around the drive shaft and stalling the engine. The macerating means are referred to as "disruption members" (pp. 1, 5, 6, 10, 11, 15, 19, 23) and "macerator blocks" (pp.1, 7, 9) in the specification.

Applicant respectfully submits that none of the cited art teaches or suggests a device meeting the requirements of claim 32.

Claim 60

New claim 60 generally corresponds to original claim 5. Claim 60 includes the feature of "said drive shaft or hub being supported in a bearing which is mounted to said wall through which said drive shaft or hub extends and said bearing is adapted to bear axial working loads applied to said drive shaft or hub." Claim 60 overcomes a problem from which prior art machines suffer: that the loads applied to the engine shaft by forcing garden refuse downwardly against the chipper blades causes substantial wear which results in engine failure. Those loads are borne by the support bearing, thus relieving the engine bearing of the load. Applicant submits that none of the cited art teaches or suggests a device meeting the requirements of claim 60.

Claim 73

New claim 73 generally corresponds to original claim 11. Claim 73 overcomes a problem from which prior art machines suffer, namely, that when a blockage occurs, parts of the housing have to be removed in order to remove the blockage. Claim 73 includes the feature of "said housing including a second wall spaced from said first wall and said first wall being operatively connected to said second wall for pivoting movement relative thereto about a pivot axis from a closed position in which said first and second walls together define at least in part said chamber and enclose said rotor and an open position in which said rotor is exposed to allow manual removal of refuse from said chamber." The housing arrangement defined provides for complete exposure of the mounting plate, thus allowing easy removal of blockages as well as easy maintenance.

Applicant respectfully submits that none of the cited art teaches or suggests a device meeting the requirements of claim 73.

Claim 78

New claim 78 generally corresponds to original claim 23. Claim 78 defines an invention in which two housing parts are moveable relative to each other in order to gain access to the shredding chamber for removing blockages and introduces a safety mechanism designed to reduce the likelihood of injury when the chamber is opened by providing "brake means adapted to brake said rotor when said housing parts are in the open position." Applicant respectfully submits that none of the cited art teaches or suggests a device meeting the requirements of claim.

Conclusion

For all of the foregoing reasons, Applicant submits that the claims are distinguishable over the art of record and are in condition for allowance. Applicant therefore requests that the Examiner enter the present amendments and allow the case. If the Examiner has any questions or comments or otherwise feels it would be helpful, he is encouraged to telephone the undersigned at (713) 238-8000.

Respectfully submitted,



MARCELLA D. WATKINS
Reg. No. 36,962
Conley, Rose & Tayon, P.C.
P. O. Box 3267
Houston, Texas 77253-3267
(713) 238-8000
ATTORNEY FOR APPLICANT